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C O N F I D E N T I A L SECTION 01 OF 03 PRISTINA 000310

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SUBJECT: SCENESETTER FOR APRIL 14-15 VISIT OF SPECIAL
REPRESENTATIVE FRANK WISNER

REF: (A) PRISTINA 290 (B) PRISTINA 299

Classified By: COM Philip S. Goldberg for reasons 1.4 b/d.

¶1. (C) SUMMARY. Coming on the heels of the April 6-7 visit of the Contact Group and the April 3 Vienna meeting on decentralization, Ambassador Wisner's April 14-15 visit presents an opportunity to push Kosovo Albanian leaders to come to closure on some decentralization issues (municipal partnerships, asymmetrical devolution of competencies, selection of local police chiefs and judges) and to set the stage for late-April consideration of others (redrawing of boundaries to create new municipalities, the special case of Mitrovica). Looking further ahead, Ambassador Wisner should push Kosovar leaders to finalize opening position papers on protection of the Serbian Orthodox Church and its religious sites, minority protections/returns, and the special case of Mitrovica. He should push Kosovo Albanian authorities to implement a rental scheme for thousands of properties owned by Kosovo Serbs but occupied by Kosovo Albanians and to launch a "zero tolerance" initiative regarding interethnic crime. Finally Ambassador Wisner should again encourage Kosovo Serb leaders to find their voice and should roundly criticize a new policy of Belgrade's Kosovo Coordination Council that compels Kosovo Serb public servants to reject salaries paid by Pristina. END SUMMARY.

New Unity Team Better, But New Problem Emerging

¶2. (C) Special Representative on Kosovo Status Talks
Ambassador Frank Wisner will find on his April 14 arrival a Kosovo political landscape significantly changed since his February visit. Three of the five ex officio members of the Kosovo Albanian negotiating team (aka the "Unity Team") have changed -- President Fatmir Sejdiu replaced the late Ibrahim Rugova, new Prime Minister Agim Ceku replaced Bajram Kosumi, and new Assembly President Kule Berisha replaced Nexhat Daci. Gone are the ego-driven spats and political infighting that plagued the old team and made even suiting up a road team for Vienna very difficult and fielding a team with real authority to make a deal a practical impossibility. In its first month the new team has shown itself far more cooperative than its earlier edition both in its internal deliberations and in its

relations with the international community. The naming of the previously obstructionist Hashim Thaci (leader of the opposition Democratic Party of Kosovo) to lead the Unity Team delegation to Vienna for the March 17 UNOSK session on decentralization proved to be a particularly inspired team-building initiative.

13. (SBU) Although the Unity Team received solid marks for its March 17 performance, its grades for the April 3 follow-up meeting were passing only because the performance of the Belgrade team reportedly lowered the curve substantially. Going into that meeting, leaks in the Kosovo press had the team objecting strongly to UNOSK suggestions in a supposedly confidential document that "partnerships of municipalities"

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might prove useful vehicles for channeling Belgrade support (particularly health care and education services) to Serb majority municipalities in Kosovo.

14. (C) More generally, the "Political Group" that provides technical support to the Unity Team has lately shown serious fractiousness that has translated into delay in producing draft position papers and into working level disconnects between some Political Group members and staff from the United Nations Office of the Special Envoy for Kosovo (UNOSK) in Vienna. The immediate points of Political Group-UNOSK contention involve decentralization, but potential irritants involving principles and pragmatics of religious site protection are beginning to loom as well. The Unity Team's draft position paper on the preservation of cultural heritage sites is becoming seriously overdue.

Ambassador Wisner to UNity Team: Old Irritants Are Gone; Time For You To Lead

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15. (C) Ambassador Wisner should attempt to bring the Unity Team back onto the negotiating high road. Post's soundings of UNOSK and Unity Team staff make clear that Ora party head Vetan Surroi and Ylber Hysa, his deputy, are the prime instigators of the objections to the UKOSEK suggestion on partnerships and that the two have adopted a similar hard line on UNOSK bridge proposals on Serbian financial assistance to Serb majority municipalities and protection of patrimonial sites. The latter is particularly problematic in that Hysa is drafting the team's position paper on cultural heritage. Although we are not privy to the draft paper, we understand that Hysa objects to expressly recognizing the Serbian Orthodox Church and its patrimonial sites as deserving of particular protection as distinct from other elements of Kosovar heritage.

16. (C) Ambassador Wisner should impress on Surroi and the entire Unity Team that these legalistic objections are as damaging as the ego-laced clashes that so marred the efforts of the previous team. Ambassador Wisner should offer reassurances that UNOSK's suggestions, however open to interpretation particular phrases may appear, will not provide vehicles for Belgrade to hold onto Kosovo and will be given an appropriate legal review when the working documents otherwise prove acceptable to the parties. The Ambassador should straightforwardly inform all team members: that the international community did not take Kosovo from Serbia by military force just to later return it by the back door; that municipal partnerships will pose no threat to Kosovo's final status, once determined; and that Unity Team obstructionism, notwithstanding recent substantial improvements, remains the most serious obstacle to overt international community support for the Kosovo Albanian cause and to speedy resolution of the status issue.

Highroad Map

17. (C) During an April 7 Contact Group-Unity Team session, DAS Rosemary DiCarlo took the Unity Team to task for the evident nothing-is-decided-until-everything-is-decided approach of its negotiators in Vienna. The DAS suggested that pocketing a few deals along the way would show to the Kosovo public that its leadership is ready to back up its words with actions on the ground aimed at achieving a multiethnic future. Ambassador Wisner should re-inforce the DAS' message by suggesting elements of the decentralization talks that are ripe for interim accords. Possibilities include the asymmetrical devolution of governing competencies according to municipal capacity and the local selection of judges and police chiefs. The Ambassador might also mention to the decidedly pro-American Unity Team that local selection of judges is an American innovation (almost unknown in Europe) and that police chiefs will be selected from a pool of candidates all of whom will have been approved by Pristina.

18. (C) Looking ahead to remaining decentralization issues and to the next UNOSEK agenda items, Ambassador Wisner should express concern to the Unity Team that the drafting of position papers on cultural heritage and minority protections/returns seem to have stalled. Ambassador Wisner should explain that the international community demands very serious protection, much more than has been offered to date, for the Serbian Orthodox Church (SOC) in Kosovo and that protection of the SOC should not be hidden in general platitudes about preserving Kosovo's cultural heritage. He should tell team members that the world hopes Kosovo protects its culture but demands that the SOC, with its tragic recent history in Kosovo, be afforded very special protection. The Unity Team needs to understand that the SOC may be handcuffed by Belgrade regarding participation in these talks but that the international community stands ready to ensure that international best practices prevail to deliver a much better

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deal for the SOC than has so far been offered by Kosovo Albanians. The Unity Team could make a good start by assuring the ambassador that a draft law on religious freedom, stuck in committee, will be passed immediately.

19. (C) Anticipating the next layer of Unity Team resistance, the Ambassador should make clear that the international community holds Kosovo's external borders to be inviolable, but believes its municipal boundaries to be in play and subject to the "generosity principle" the Contact Group has repeatedly urged on the Unity Team. In this same vein, the ambassador should suggest the Unity Team undertake to draft a position paper on the special case of Mitrovica.

110. (C) Ambassador Wisner should refer to the list of deliverables he suggested during his February visit and should single out property rights as an area with particular potential as an interethnic confidence builder (ref B). Now that UNMIK is phasing out the Housing and Property Directorate (HPD), run by internationals, in favor of the new, PISG-controlled, Kosovo Property Agency (KPA), the burden of performance is shifting to Kosovars. In particular, HPD left behind, by design, more than 5,000 so-called "administered" properties in which tenants are allowed to stay in the residences of absentee landlords without paying rent. Most of these cases involve Kosovo Albanians living in houses and apartments owned by displaced Kosovo Serbs. A potential 11,000 additional claims involving agricultural and commercial properties were not subject to HPD jurisdiction and now must be resolved by the new KPA. The HPD never intended to leave nonpaying tenants in place on a permanent basis. The KPA and PISG -- with assistance from the international community -- must now figure out how to get all these legalized squatters to pay market-based rents. The sheer number of such cases means that implementation and enforcement of a rental scheme will be a major undertaking.

But fundamental rule-of-law principles demand that it be done.

¶11. (C) The new government has made a good beginning on outreach to Kosovo Serbs and non-Serb minorities. Speeches (especially with majority community leaders speaking in minority languages) and visits are important, but there must be more speeches from more official sources and, at the same time, more than speeches. The ambassador should suggest that the PISG become the champions of a "zero tolerance" initiative on interethnic crime. The Ambassador should call for unilateral initiatives to build awareness in the Kosovo Albanian community and confidence in the Kosovo Serb community, including the launching of a zero tolerance approach to interethnic violence (an initiative COM has proposed and PM ceku has agreed to launch), the aggressive removal of ethnic graffiti, the establishment of a rental scheme for people squatting in residences owned by displaced persons, and more urgent restoration of Serbian Orthodox churches. The rigorous Kosovo Police Service investigation of the recent stabbing on the bridge in Mitrovica was duly noted around the world. Kosovo Albanian leaders must now impress on their constituents that the old tolerance of violence is at an end and that citizens who withhold information about interethnic violence are themselves criminally liable.

Kosovo Serbs

¶12. (C) Should Belgrade persist in coercing Kosovo Serb public servants to forego salaries paid by Pristina (ref B), the ambassador should raise the matter with Kosovo Serb leaders, most of whom will be sympathetic to the plight of the Kosovo Serbs forced to choose one salary over the other.

¶13. (U) Post clears this cable in its entirety for release to Special Envoy Martti Ahtisaari.
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